

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

APR 12 2001

JAMES W. McCORMACK, CLERK
By: _____ DEP. CLERK

ELLIS FOSTER, Individually, and on behalf of)
the ESTATE OF EDDIE BAGBY, JR.,)

Plaintiff,)

v.)

No. 4:99CV733 JWC

LARRY NORRIS, individually, and in his official)
capacity as Director of the Arkansas Department)

of Corrections as warden of the Wrightsville Unit,)

TOMMY ROCHELLE, individually, and in his)

official capacity as administrator at the boot camp,)

SGT. RICHARD WINTERS, individually, and in)

his capacity as drill instructor for the Wrightsville)

Unit, and SGT. JOHN BROADWAY, individually,)

and in his official capacity, Arkansas Department)

of Corrections,)

Defendants.)

PLAINTIFF'S OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

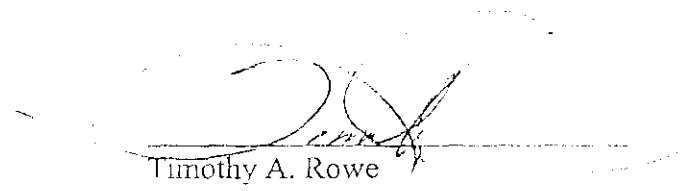
Comes now the Plaintiff, by counsel, and respectfully opposes the Motion for Summary Judgment filed by the Defendants as the Defendants have failed to set forth in their motion that there are no genuine issues of material fact and that the above-mentioned Defendants are entitled to judgment as a matter of law under Trial Rule 56 of the Federal Rules of Civil Procedure. In support of Plaintiff's Motion, the Plaintiff attaches the following:

1. Statement of Genuine Issues of Material Fact.
2. Plaintiff's Opposition to Certain Material Facts Set Forth in Defendants' Statement of Indisputable Material Facts
3. Designation of Materials Relied Upon
4. Memorandum in Opposition to Plaintiff's Motion for Summary Judgment

WHEREFORE, Plaintiff prays that the Court deny Defendant's Motion for Summary Judgment as there exists genuine issues of material fact that cannot be resolved as a matter of law, and summary judgment is inappropriate and these issues should go to the jury to decide as the trier of fact and for all other just and proper relief in the premises.

Respectfully submitted,

ROWE & HAMILTON



Timothy A. Rowe

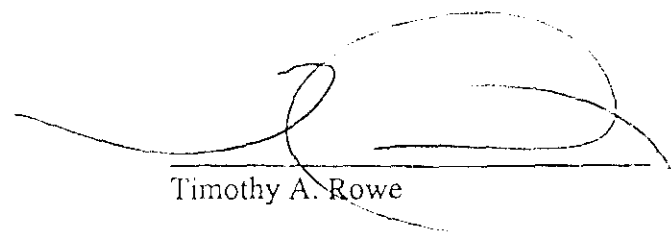
CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served by first class United States mail, postage prepaid, this 11th day of April, 2001, to the following:

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